



BENEFITS AVAILABLE TO VETERANS AFTER INCARCERATION

By: Duke Chen, Principal Analyst

ISSUE

What benefits are available to an honorably discharged veteran after incarceration?

SUMMARY

An honorably discharged veteran may still be eligible for certain federal and state benefits after being incarcerated.

The federal Department of Veterans Affairs (VA) may continue to provide certain benefits while the veteran is imprisoned (i.e., benefits to family members). Upon release, a veteran may apply to have other benefits reinstated (e.g., disability compensations, pension payments, and education benefits).

In addition to federal benefits, the veteran is still eligible for any state benefits for which he or she was eligible prior to incarceration. This could include, among others, local property tax exemptions, education benefits, and certain other financial aid. (For more information on state veterans benefits, see OLR Report [2015-R-0012](#).)

There are also state and federal programs that help recently released veterans reintegrate into society. Details about these programs may be found in "[A Guidebook for Incarcerated Veterans, Connecticut](#)" published by the VA and "[Planning for Your Release, A Guide for Incarcerated Veterans](#)" published by the federal Department of Labor.

FEDERAL BENEFITS

The VA can provide certain benefits to veterans while they are incarcerated or upon their release, but the amount depends on the type of benefit and reason for incarceration.

The VA does not automatically reinstate a veteran's benefits when he or she is released from prison; the veteran must apply to have his or her benefits reinstated. The application must include official documentation of the veteran's release from incarceration.

Depending on individual need, all or part of the compensation a veteran would have received during incarceration may be apportioned to his or her spouse, children, or dependent parent. No apportionment may be made when a veteran is imprisoned for a felony conviction.

(For more information on these benefits, see the VA's [website](#) on Incarcerated Veterans.)

Disability Compensation

Upon release, a veteran's disability compensation payments may be reinstated based on the severity of his or her service-connected disability at that time.

The compensation payments are reduced if the veteran was convicted of a felony and imprisoned for more than 60 days. Veterans who are rated with a disability level of 20% or more will have their compensation lowered to the 10% disability level. For those with a 10% disability level, the payment is reduced by 50%. But veterans who participate in work release programs or reside in halfway houses do not have their payments reduced. These payment rates are also not adjusted if a veteran is incarcerated for a misdemeanor conviction.

(For more information on disability compensation, see <http://www.benefits.va.gov/COMPENSATION/types-disability.asp>.)

Pension

Veterans who receive a VA pension will have those payments suspended on the 61st day of imprisonment for either a felony or misdemeanor conviction. These payments may be reinstated upon release if the veteran meets VA eligibility requirements. If the veteran fails to notify the VA of incarceration and continued to receive payments during that time, the VA may withhold payments until the overpayments are recovered.

(For more information on veteran pensions, see <http://www.benefits.va.gov/pension/index.asp>.)

Education Benefits

The federal government provides veterans with a broad range of educational benefits (e.g., GI bill and Tuition Assistance). Veterans who are incarcerated for anything other than a felony continue to receive the full monthly benefits to which they are entitled. Convicted felons who live in halfway houses or participate in work-release programs may also continue to receive full benefits.

Veterans incarcerated for felony convictions are only paid the costs of tuition; fees; and necessary books, equipment, and supplies.

(For more information on Veteran education benefits, see <http://www.benefits.va.gov/gibill/>.)

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